

**REPORT OF THE
NCAA DIVISION I AMATEURISM CABINET
SEPTEMBER 24, 2009, MEETING**

KEY ITEMS.

1. **NCAA Proposal No. 2009-22 (Amateurism and Eligibility – Involvement with Professional Teams – Exception – Prior to Initial Full-Time Collegiate Enrollment – Seasons of Competition).** The cabinet agreed to exclude the sport of men's ice hockey from this proposal. As is set forth more fully in informational item 1-(a) below, the cabinet, after reviewing feedback from USA Hockey, the American Hockey Coaches Association and the Hockey Commissioner's Association, agreed that the legislative changes included in the proposal would be detrimental to men's ice hockey prospective student-athletes, to Division I institutions that sponsor men's ice hockey and to the performance of United States national teams.

2. **Commercial Activity in Division I Intercollegiate Athletics.** The cabinet continued its review and examination of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The cabinet expressed support for the principles in the report and requested that staff draft the principles as legislative concepts to be reviewed at their February in-person meeting or at an earlier date via teleconference. During its discussion, the cabinet identified several areas to be given careful consideration, as detailed below in informational item 2-(a), including student-athlete consent and the importance of referencing the name of a student-athlete's institution in conjunction with the use of their name or likeness.

ACTION ITEMS.

1. **Legislative Items.**
 - a. **Request for Noncontroversial Legislation to Modify Temporary Certification Period Related to Certification of Amateur Status.**
 - (1) Recommendation. The Division I Amateurism Cabinet recommends the NCAA Division I Legislative Council adopt noncontroversial legislation to specify that both recruited and non-recruited student-athletes may practice, but not compete, for a maximum period of 45 days before the student-athlete's amateur status has been certified.

 - (2) Effective Date. Immediate.

 - (3) Rationale. Currently, recruited student-athletes are only permitted to practice for 14 days prior to their amateur status being certified by the Eligibility Center. However, each year since the inception of the

amateurism certification process, the NCAA Division I Legislative Council Subcommittee for Legislative Relief has issued a blanket waiver to permit recruited and nonrecruited student-athletes to practice (but not compete) while awaiting final amateurism certification from the Eligibility Center. The blanket waivers have been granted to provide flexibility to the NCAA amateurism certification staff due to the high volume of urgent amateur cases as a result of late registrants, delayed responses for additional information and the time required to complete amateurism certifications. Based on feedback from the amateurism certification staff, these issues have been consistent from year-to-year and there is no indication they will be sufficiently remedied to accommodate a 14-day temporary certification period. The amateurism certification staff noted, however, that the 45-day temporary certification period generally provides sufficient time to issue a final certification decision for a student-athlete. Accordingly, this legislative change would permanently address this issue and eliminate the need to issue a blanket waiver annually.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Request to Adopt NCAA Proposal No. 2009-25 (Amateurism – Promotional Activities – Institutional, Charitable, Education or Nonprofit Promotions – Release Statement –De Minimis Violation) as Noncontroversial Legislation.

(1) Recommendation. The Division I Amateurism Cabinet recommends the NCAA Division I Legislative Council adopt NCAA Proposal No. 2009-25 (Amateurism – Promotional Activities – Institutional, Charitable, Education or Nonprofit Promotions – Release Statement –De Minimis Violation) as noncontroversial legislation.

(2) Effective Date. Immediate.

(3) Rationale. This proposal does not substantially modify existing legislation which states that violations involving the use of a student-athlete's name or picture, without his or her consent, in a manner contrary to the promotional activities legislation are considered institutional violations, but do not impact student-athletes' eligibility. This proposal simply expands the current de minimis provisions to situations in which a promotional activity would have been permissible had the appropriate consent paperwork been processed. This change is requested as noncontroversial legislation, inasmuch as broader consultation and debate

are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Items.

- None.

INFORMATIONAL ITEMS.

1. Legislative Informational Items.

- a. **Modification to NCAA Proposal No. 2009-22 (Amateurism and Eligibility – Involvement with Professional Teams – Exception – Prior to Initial Full-Time Collegiate Enrollment – Seasons of Competition).** The cabinet agreed to modify this proposal to exclude the sport of men's ice hockey. After sponsoring the proposal at its June 2009 meeting, the cabinet received significant feedback from several constituent groups involved in the sport of men's ice hockey, including USA Hockey, the American Hockey Coaches Association and the Hockey Commissioners' Association, which comprises the six NCAA Division I men's ice hockey conferences (hereinafter the "ice hockey community"). According to the ice hockey community, the proposal would have far-reaching negative effects on both institutions that sponsor the sport of men's ice hockey, prospective student-athletes and U.S. National Teams. Specifically, the ice hockey community strongly believes that many more prospective student-athletes seeking to participate in NCAA Division I men's ice hockey would elect to participate in Major Junior A hockey prior to initial collegiate enrollment. As a result, although the proposal would permit such activity, their eligibility status would likely be jeopardized once they became involved in the Major Junior A leagues (e.g., by being influenced to accept more than actual and necessary expenses, signing with an agent, or by signing a professional contract). The ice hockey community expressed concern that the Canadian Hockey League, the governing body for Major Junior A ice hockey, would intentionally attempt to jeopardize prospective student-athletes' NCAA eligibility in order to retain their services and continued participation in their league. Further, the ice hockey community asserted that participation in Major Junior A hockey would be detrimental to prospective student-athletes' academic success given the demands

of participation in that league. Lastly, USA Hockey commented that the proposal would adversely impact future U.S. performance in international competition, including the Olympic Winter Games.

The ice hockey community is also strongly opposed to the delayed enrollment portion of the proposal due to the fact that it is very common for men's ice hockey prospective student-athletes to compete in junior hockey for more than one year after high school graduation and before initial collegiate enrollment. As a result, the average age of an incoming men's ice hockey prospective student-athlete is higher than in many other sports. The ice hockey community asserted that the extremely positive Academic Progress Rates (APR) in their sport can be attributed to the maturity level of their incoming prospective student-athletes and the fact that the prospective student-athletes who elect not to participate in Major Junior A hockey have a clear commitment to earning a college degree. For example, in the years 2005-06, 2006-07 and 2007-08, the APR scores for men's ice hockey were 970, 970 and 973, respectively. Accordingly, for all the foregoing reasons, the cabinet agreed to modify its proposal.

- b. Modification to NCAA Proposal No. 2009-24 (Amateurism – Involvement with Professional Teams – Tryouts – Men's Ice Hockey).** The cabinet agreed to modify this proposal to specify that a prospective or enrolled student-athlete may accept actual and necessary expenses only from the National Hockey League (NHL), but not from a professional sports organization that is a member of the NHL, to attend the NHL scouting combine, regardless of the duration of the combine. The Hockey Commissioners' Association asserted that limiting the provision of these expenses to the NHL would reduce the likelihood of improper benefits being provided to a prospective or enrolled student-athlete from a professional team.

2. Nonlegislative Informational Items.

- a. Commercial Activity in Division I Intercollegiate Athletics.** The cabinet continued its discussion and review of the final report of the Task Force on Commercial Activity in Intercollegiate Athletics. The cabinet expressed support for the principles in the report and requested that the principles be drafted as legislative concepts to be reviewed at their February in-person meeting or at an earlier date via teleconference. During its review, the cabinet identified several issues within the principles to be given careful consideration. First, the cabinet agreed the legislation should clearly require that any use of a student-athlete's name or likeness be accompanied by a reference to the student-athlete's institution (e.g., "Watch *State University* Quarterback Joe Smith this Saturday on ABC"). The cabinet also agreed that institutions should be required to obtain a student-

athlete's consent for each separate promotional activity in which their name or likeness will be used. The cabinet gave strong consideration to the position of the National Student-Athlete Advisory Committee with regard to the consent issue. The cabinet also addressed the importance of portraying student-athletes in a positive light and ultimately agreed that this issue could be addressed through the principles related to student-athlete exploitation, student-athlete consent or the commercial activities oversight committee as described in Principle No. 5.

The cabinet expressed concern regarding time demands placed on student-athletes as a result of their participation in promotional activities (e.g., when student-athletes are asked to make in-person appearances or be filmed for a specific promotion). The cabinet agreed to continue to discuss this issue. Lastly, the cabinet discussed, but did not come to agreement on the issue of the degree to which institutions, conferences and the NCAA would have autonomy to use student-athlete images in connection with specific types of sponsors.

- b. Receipt of Expenses to Attend National Hockey League (NHL) Rookie Camps.** The cabinet reviewed a recommendation from the American Hockey Coaches Association and the Hockey Commissioners' Association to permit prospective and enrolled student-athletes to receive actual and necessary expenses to attend a NHL team's rookie camp after being drafted by that team. The cabinet did not support modifying NCAA Proposal No. 2009-24 (Amateurism – Involvement with Professional Teams – Tryouts – Men's Ice Hockey) to include this exception, but requested that staff obtain additional information regarding the rookie camps (e.g., timing and duration of the camps, purpose of the camps) in order to continue the discussion at its February meeting.
- c. Bylaw and Practices Review.** The cabinet continued its examination of Bylaw 12 to identify bylaws that could be modified in order to provide possible financial relief to institutions. The cabinet also reviewed feedback solicited from the National Association of Athletics Compliance (NAAC). The cabinet noted the difficulty of identifying areas for cost savings within the amateurism legislation but agreed that the two primary areas of discussion during its meeting (NCAA Proposal No. 2009-22 and the legislative concepts within the task force report on commercial activities) hold the potential for cost savings and increased revenue generation.
- d. Amateurism Certification Process Update and Review of Policy and Procedure Manual.** The cabinet received an update from the Eligibility Center amateurism certification staff related to the fall certification season and approved several amendments to the amateurism certification process policy and procedure manual. The cabinet received a presentation of the new Eligibility Center Web

site, including the registration process for prospective student-athletes. The cabinet discussed the fact that the new Web site requires a prospective student-athlete to pay the registration fee (or request a fee waiver) and complete the amateurism questionnaire before being classified as registered. The cabinet agreed to solicit feedback from the membership regarding the impact of the new registration process as it relates to legislative requirements for official visits and to revisit the issue at its February meeting.

Cabinet Chair: Mike Rogers, Baylor University, Big 12 Conference
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